

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

LEXINGTON INSURANCE COMPANY,

Plaintiff,

v.

Civil Action No. 1:06CV21
(STAMP)

THRASHER ENGINEERING, INC.,

Defendant.

ORDER CONFIRMING PRONOUNCED ORDER OF THE COURT
SCHEDULING DEADLINES FOR FILING ADDITIONAL MEMORANDA
ON PLAINTIFF'S MOTION FOR PERMANENT INJUNCTION

On January 11, 2008, this Court held a hearing to discuss a motion by the plaintiff, Lexington Insurance Company ("Lexington"), for a permanent injunction to bar the class plaintiffs in a separate state court action, styled Brummage v. Thrasher Engineering, Inc., Consolidated Civil Action No. 03-C-221 (Marion County, West Virginia), from pursuing certain claims against Lexington, which Lexington claims are identical to claims previously brought against Lexington in this action and dismissed with prejudice by this Court. The Court finds that it would be beneficial to have additional briefing on the matter. Accordingly, it is ORDERED that if he chooses, Guy R. Bucci, who has been served with a copy of plaintiff's motion, and who attended the telephonic hearing by special appearance or other counsel for the class action plaintiff in the Brummage civil action, shall submit any filing believed appropriate on or before January 22, 2008. It is further ORDERED that Lexington Insurance Company and Thrasher Engineering file their responses, if any, on or before February 5, 2008.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein and to Guy R. Bucci, Esq., Bucci, Bailey & Javins, L.C., P.O. Box 3712, Charleston, West Virginia, 25337.

DATED: January 14, 2008

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE